

Attorney:
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NEW YORK NY 10165



UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
HORACIO DAVID VELIZ MONTOYA, INDIVIDUALLY AND ON BEHALF OF OTHERS
SIMILARLY SITUATED
Plaintiff

Index / case #: 1:20-CV-02475-LDH
AFFIDAVIT OF SERVICE

PREMIUM MILLWORK, INC. D/B/A PREMIUM MILLWORK, ET AL
Defendant

Kings County, State of: New York Elijah White being sworn,
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: NY
On 1/25/21 at 1:58 am/pm at: 54 VAN DYKE STREET BROOKLYN NY 11231
Deponent served the within: SUMMONS & COMPLAINT

On which were set forth the Index No., herein, and date of filing

On: JULIO CUENCA
(herein after called the recipient) therein named.

- ☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☒ Suitable Age person By delivering thereat a true copy of each to: Jane Doe (wife)
a person of suitable age and discretion. Said premises is recipients ☒ Actual Place of Residence
☐ Actual Place of Business within the State.
- ☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients ☐ Actual Place of Residence
☐ Actual Place of Business, within the State
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there
- ☐ Corporation or Partnership By delivering thereat a true copy of each to:
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said
aforementioned document as said recipient and knew said individual to be thereof.
- ☒ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed
to recipient at recipients last known ☒ Actual Place of Residence ☐ Actual Place of Business
at 54 Van Dyke Street Brooklyn NY 11231
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within
New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof
by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
- ☒ Description ☐ Male ☐ White skin ☒ Black hair ☐ 14-20 Yrs ☐ Under 5' ☐ Under 100 Lbs
☒ Female ☐ Black skin ☐ Brown hair ☐ 21-35 Yrs ☐ 5'0"-5'3" ☐ 100-130 Lbs
☐ Yellow skin ☐ Gray hair ☒ 36-50 Yrs ☒ 5'4"-5'8" ☒ 131-160 Lbs
☒ Brown skin ☐ Blonde hair ☐ 51-65 Yrs ☐ 5'9"-6'0" ☐ 161-200 Lbs
☐ Red skin ☐ Red hair ☐ Over 65 Yrs ☐ Over 6' ☐ Over 200 Lbs
Other Identifying Features _____
- ☒ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of _____

☒ Attempts: 1/23/21 at 4:28 pm Serree was home. I could hear him telling his kids to tell me that he wasn't home

Sworn to before me on 1/26/21

E. White

(Print name below signature)

Elijah White

2093436-DCA

File No. 1:20-CV-02475-LDH

Work Order No. 524545

TAMARA TOWSHIN ALAM
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01AL6369961
Qualified in Kings County
My Commission Expires: 01/22/22

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

HORACIO DAVID VELIZ MONTOYA, individually
and on behalf of others similarly situated,

Plaintiff(s)

v.

PREMIUM MILLWORK, INC. (D/B/A PREMIUM
MILLWORK) and JULIO CUENCA ,

Defendant(s)

Civil Action No. 20cv2475

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Julio Cuenca
c/o Premium Millwork
43 Coffey Street
Brooklyn, NY 11231

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Michael A. Faillace
MICHAEL FAILLACE & ASSOCIATES, P.C.
60 East 42nd Street, Suite 4510
New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



Douglas C. Palmer
CLERK OF COURT

Date: 06/04/2020

/s/Priscilla Bowens
Signature of Clerk or Deputy Clerk